IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.466 OF 2002

Smt. Narmadabai Vitthal Pawar ...Applicant
Vs.
Shri.Shankar Vitthal Pawar & Ors. ...Respondents

Mr. Dilip Bodke for the Applicant.
Mr. R.S.Kate for the Respondent No.1
Ms S.D.Shinde, A.P.P. for the Respondent No.2.

CORAM : A. S. OKA, J.
DATE : AUGUST 05, 2005.

P.C.:

1. The learned Advocate appearing for the Respondent No.1 states that though there is no merit in the Revision Application, and though the Application for maintenance is filed by the Applicant at the instance of her other son, the Respondent No.1 is ready and willing to look after the Applicant-mother and is ready and willing to maintain the Applicant-mother.

2. The Applicant filed an Application under section 125 of the Code of Criminal Procedure, 1973 against the Respondent Nos.1 and 2 who are her sons. The learned Magistrate granted monthly allowance of Rs.700/- to the Applicant. In Revision Application preferred by the Respondent Nos.1 and 2, the Sessions Court has interferred and Application for maintenance has been dismissed.

3. After hearing the Counsel appearing for the

parties, I find that there is no error in a view taken by the learned Additional Sessions Judge. The learned Additional Sessions Judge has referred to the admission of the Applicant that the other son of the Applicant Jagannath engaged services of an advocate on behalf of the Applicant for the purposes of filing the Application under section 125 of the said Code of 1973. The Applicant admitted that she got angry with the Respondent Nos.1 and 2 as they filed a suit for partition against her. The Applicant admitted that three agricultural lands are enjoyed by herself and all heirs of her husband. Relying upon the admissions of the Applicant, the learned Additional Sessions Judge held that apart from the fact that Application is filed at the instigation of the other son, the Applicant is enjoying family properties alongwith other heirs of the deceased husband. There is no error in the said findings. If the Applicant is deprieved of income from the joint family property, she can always make appropriate Application in that behalf in the pending partition suit.

4. Subject to the observation made above, Revision Application is dismissed.

JUDGE